

### **REMARKS**

This Amendment is in full and timely response to the initial Office Action on the merits of the invention, as mailed on August 23, 2006. Reexamination and reconsideration are respectfully requested. If the Examiner has any suggestions for placing this application in even better form, the Examiner is invited to telephone the undersigned at the number listed below.

#### **Drawings**

It is noted that the drawings as filed with the application on January 21, 2004 are accepted, in accordance with the specific indication in section 10 of the Office Action Summary.

#### **Claims**

Claims 1 and 3 to 6, as amended, were allowed in this Action. Accordingly, these allowed amended claims are retained unamended.

Original Claims 8 to 10 had been allowed allowed in the initial action. Without comment on or support for a change of position relative to the allowance of these claims, the withdrawal of the allowance is respectfully traversed. It was the newly-stated position of the examiner that the “determining” step would not appear to be a tangible result as allegedly required by 35 U.S.C. §101. It seems, though, that the output of the determining step as originally stated satisfies the tangible result test, insofar as it is appropriate.

Nevertheless, in order to advance the issues in this application to a successful conclusion, claim 8 is amended to indicate that the “determining” step of whether or not an interval between the plurality of reflected laser light beams corresponds to the predetermined angle specified in the claims is “to generate three dimensional shape data for said object when said interval corresponds to said predetermined angle”. This limitation is supported by the specification as filed, especially at page 4, lines 1 to 10, and provides clarification of a tangible result in a practical application, while meeting an object of the claim as stated in its preamble, without narrowing the subject matter of the claim.

Claims 9 and 10, previously allowed, are retained as dependent on the amended claim 8.

Claim 11 is added to indicate that the "determining" step of claim 8 distinguishes read out reflected light beams reflected from said three-dimensional shape of said object from reflected light beams caused by a light disturbance. See also page 4, lines 1 to 10 for support for this narrower description of the tangible result of the "determining" step.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2898 from which the undersigned is authorized to draw.

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Customer No. 23353

Respectfully submitted,

By

Ronald P. Kahanen

Registration No.: 24,104

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant